

Notice of Allowability

Application No.

09/823,821

Applicant(s)

MIZUTANI, KENJI

Examiner

KIEU-OANH T. BUI

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2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 07/05/2005.
2. ☒ The allowed claim(s) is/are 1-95, 98-100.
3. ☒ The drawings filed on 30 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>03/30/2001</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Remark

1. Claims 96-97 are cancelled. Pending claims are claims 1-95 and 98-100.

Allowable Subject Matter

2. Claims 1-95 and 98-100 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 47, 62, 83 and 98, Franco discloses “a remote video recording and retrieval system” (Fig. 7) comprising: “a first computing device having access to a tuner, to a computer network, and to a video recording mechanism, said first computing device being effective for encoding a video signal into at least one predetermined video data encoding format” (Fig. 5 for the remotely programmable video recording with a processor 522 as a first computing device having access to a tuner 504, with decryption module for video data encoding/decryption, see page 8, par. 0089 to par. 0095; and to a computer network as shown in Figure 1 for an overview of a computer network system that a user can access to the remotely programmable video recording device via a host system using the Internet); and “a second computing device having access to said first computing device via said computer network, and having access to a first data store remote from said first computing device, said second computing device being effective for submitting a user ID identifying itself and for submitting recording instructions to said first computing device for recording a televised program” (Fig. 7 shows a second computing device or a processor 706 within the client programming device 702, and from this device, the user provides user ID and the user’s commands via communication links 710 or 712 for recording instructions to record a TV program, see page 8, par. 0097 to page 9, par. 0102; and

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Figs. 2A & 4A for user ID is needed from the system to authorize the access, page 5, par. 0068 & page 7, par. 0083).

However, Franco does not further disclose the steps of “said first computing device being effective for accessing and recording said televised program via said tuner and said video recording mechanism, said first computing device being further effective placing first visible ID stamp corresponding to said user ID on a visible section of the recorded televised program and transferring a video encoded data version of said recorded televised program to said first data store” of claim 1; same as with the step of “posting a user name corresponding to said user ID on the resultant encoded data file, and storing said resultant encoded data file in said data store” of claim 47; same as with step d for “encoding said received signals into a predetermined encode format to produce an encoded signal representation of said received signals and placing a user name corresponding to said user ID on said encoded digital representation” of claim 62. In addition to claims 83 and 98, Franco does not further disclose the steps of “said first or second identifier is incorporated as a readable text section of said encoded recording”; “wherein said encoded recording is a video recording and said first or second identifier is incorporated into said encoded recording as a visible message when the recording is played”; and “wherein said encoded recording is a purely audio recording and said first or second identifier is incorporated into said encoded recording as an audible message when the recording is played” as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB

August 24, 2005